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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,789	10/02/2001	Jacobus Petrus Maria Pennings	98.1067 US	9780

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YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/857,789

Applicant(s)

PENNING ET AL.

Examiner

Justin E. Shepard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "62" has been used to designate 2 visually different parts in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

Page 2, the last line the word "an" should precede the word "amplified."

Page 10, paragraph 3, lines 4 and 12; part 47 does not appear in figure 2.

Page 13, lines 5 and 9; part 460 does not appear in figure 3.

Page 13, paragraph 2, second to last line; part 461 does not appear in figure 3.

Page 13, last line; parts 61' and 61'' do not appear in figure 3.

Page 14, line 6; the unit of the impedance is not disclosed.

Page 14, paragraph 2, line 3; part 460 does not appear in figure 3.

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Page 14, paragraph 2, line 4, and paragraph 3, line 2; parts 61' and 61" do not appear in figure 3.

Page 15, line 2; part 49 does not appear in figure 3.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities: the phrase "as claimed in one or more of the preceding claims" is not proper claim language. Please replace it with a phrase of the following form "A gadget as in any of the preceding claims, in which." Appropriate correction is required.

Claim 10 is objected to because the word "programs" is spelled incorrectly. Appropriate correction is required.

Claims 9-17 are objected to because of the following informalities: the preambles for these dependent claims are different than that of the claims they are dependent on (claims 1-8). Appropriate correction is required.

Claim 12 is objected to because the word "it" following the phrase "characterized in that the" in line 1 is not necessary. Appropriate correction is required.

Claim 13 is objected to because the phrase "analog or" should be replaced with "analog telephony, and means for." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "rectifier" in claims 1 and 2 is used by the claim to mean "a device to control the flow of a signal in only one direction", while the accepted meaning is "a device to convert alternating current to direct current." The term is indefinite because the specification does not clearly redefine the term. Note: the examiner will examine the limits of the claims using the definition "a device to control the flow of a signal in only one direction."

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurusami in view of Bateman.

Referring to claims 1 and 2, Gurusami discloses a device for coupling first telecommunication means, capable of receiving a first telecommunications signal in a

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first frequency range, together with second telecommunication means capable of transmitting a second telecommunication signal in a second frequency range (column 2, lines 65-67), to a single telecommunication network connection comprising an output for the first telecommunication means (figure 2, part 44 or the output of part 62), an input for the second telecommunication means (figure 2, the connection between part 58 and 40), a common network connection for the telecommunication network (figure 2, part 32) and separation means (figure 2, part 40) adapted to directing the first telecommunication signal over a first signal path between the output and the common network connection and the second telecommunication signal over a second signal path between the common network connection (figure 2, part 40) and the input characterized in that said signal paths are separated from each other (column 2, lines 55-56)

6. Gurusami does not disclose a device where the separation means comprises rectifier means capable of suppressing signal transport in a direction opposite to that of the first telecommunication signal; and where the rectifier means comprise an operational amplifier.

Bateman discloses an amplifier with mean for suppressing signal transport in a direction opposite to that of the first telecommunication signal comprising of a diode and an operational amplifier (column 2, lines 66-68; column 3, line 1; figure 4).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to add the amplifier from Bateman to the first frequency telecommunication means disclosed by Gurusami. The motivation for doing this would

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have been to amplify only the higher frequencies before they reached their destinations (i.e. televisions).

7. Referring to claims 3 and 4, Gurusami discloses a device as claimed in claim 1, characterized in that the separation means comprise frequency filter means adapted to directing both telecommunication signals over their respective signal paths; and where the frequency filter means comprise a low-pass filter (figure 2, part 60) with an edge frequency above a lower one of said first and second frequency range (column 3, lines 34-36), as well as a high-pass filter (figure 3, part 62; Note: a filter that filters out the lower frequencies is interpreted as a high pass filter) with an edge frequency below a higher one of said first and second frequency range (column 3, lines 65-67), while the edge frequency of the high-pass filter exceeds the edge frequency of the low-pass filter.

8. Referring to claims 5-7, Gurusami discloses a device as claimed in claim 1 characterized in that the second telecommunications means are moreover capable of receiving a first telecommunication signal in a first frequency range and in that the device comprises at least one further output being intended for the second telecommunication means; and where the attenuation means are connected between said outputs of said connection device, and where the attenuation means comprise at least one directional coupler (column 3, line 15; figure 2, part 40).

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9. Referring to claims 9 and 10, Gurusami discloses a system comprising first telecommunication means capable of receiving a first telecommunication signal in a first frequency range (column 2, lines 65-66), second telecommunication means capable of transmitting a second telecommunication signal in a second frequency range (column 2, lines 66-67), and a telecommunication networks, characterized in that the telecommunication system comprises a connection device as claimed in one or more of the preceding claims connecting the first and second telecommunication means to said network (column 2, lines 55-56); and a system as claimed in claim 9, characterized in that the telecommunication network comprises a cable television network intended for the distribution of radio and/or television programs and in that the first telecommunication means comprise a radio receiver and/or a television receiver (figure 1, part 12).

10. Referring to claims 11-13, Gurusami discloses a system as claimed in claim 9, characterized in that the system moreover comprises digital third communication means in that the second telecommunication means comprise signal conversion means which are coupled to an input and an output of the connection device on the one hand and to said third telecommunication means on the other hand and in that the conversion means are capable of converting digital signals from the third telecommunication means into a communication signal compatible with the telecommunication network (figure 2, parts 48 and 56), and vice versa; and a system as claimed in claim 11, characterized in that is comprises a gateway unit (figure 1, part 24) connecting the third



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telecommunication means to the conversion means and in that the gateway unit comprises an interface adapted to the specific type of third telecommunication means; and a system as claimed in claim 12, characterized in that the gateway unit is adapted to connecting third telecommunication means taken from a group of a computer (figure 2, part 50), means for analog or digital telephony (figure 1, part 26) and means for communicating over a standard RS 232 serial port.

11. Referring to claim 14, Gurusami discloses a system as claimed in claim 12, characterized in that the gateway unit is adapted to communicating with the conversion means using a telecommunication protocol which allows the integration of different telecommunication services (figure 3, part 54).

Referring to claims 15-17, Gurusami discloses a system as claimed in claim 11, characterized in that the third telecommunication means are coupled to a digital further telecommunication network which further network is coupled to the input and output of the connection device via said conversion means (figure 2, parts 48, 56, and 50); and a system as claimed in claim 15, characterized in that the further network supports an integration of several telecommunication services (column 3, lines 21-25), and a system as claimed in claim 16, characterized in that said further network supports data traffic as well as telephony (figure 2, parts 48 and 56).

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12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gurusami in view of Bateman as applied to claims 1-7 and 9-17 above, and further in view of O'Neill.

Gurusami and Bateman do not disclose a device as claimed in claim 5, characterized in that at least the output for the second telecommunication means is electrically insulated for a direct current.

O'Neill discloses a device that insulates a system from direct current by using a placing a capacitor at the input of a directional coupler (column 6, lines 22-23 and 37-40; figure 2A, part 210).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to add the capacitor in front of the directional coupler disclosed in Gurusami. The motivation for doing this would have been to protect these devices from potential damage caused by low frequency currents that tend to be large in magnitude (column 6, lines 38-40).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hustig, U.S. Patent No. 4,677,686, Passive Transmission of Data over Cable TV Systems.

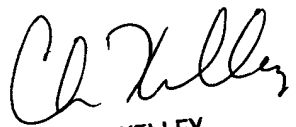
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 8-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600